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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/469,865

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MARCO WINTER

RCA-89.912

5460

24498

7590

04/16/2008

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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2621

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DELIVERY MODE

04/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/469,865 | <b>Applicant(s)</b><br>WINTER, MARCO |  |
|                              | <b>Examiner</b><br>JAMES A. FLETCHER | <b>Art Unit</b><br>2621              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 7 January 2008 have been fully considered but they are not persuasive.

**In re page 7**, Applicant's Representative states: "the inventor has realized that by employing a binary search a defined playing time may be properly accessed, even if a concordance list that correlates replay time with recording location is not available or the correspondence between the conventional reproduction passing time information (playing time) represented by hour, minute, second and the number of frames and a sector address on the recording medium cannot be calculated or varies if the bit rate of information or the compression varies."

The Examiner does not see how the addition of the negative limitation to independent claim 1 overcomes either Kawamura et al or Udagawa. Particularly Udagawa cannot disclose a concordance for an unrecorded area of a recording medium, since there is no data with which to correspond. If the Applicant or his Representative has information that shows both Kawamura et al and Udagawa to inherently require a concordance list, it will be considered by the Examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (6,075,920), further in view of Udagawa (5,706,261).

**Regarding claim 1**, Kawamura et al disclose a replay appliance for accessing at a defined playing time information stored on a recording medium containing information blocks (Fig. 2);

- a scanning device for scanning data on a recording medium (Col 14, lines 54-65);
- search means for searching of the recording medium on the basis of replay time (Col. 5, lines 58-67); and
- a comparator for comparing a replay time which has been scanned from the recording medium with a desired replay time, wherein the scanning device scans the recording medium at a point which corresponds to a result of a comparison by the comparison by the comparator to access information at the defined playing time (Col 14, line 66 - Col 15, line 42).

Kawamura et al disclose a means for searching of the recording medium on the basis of replay time based on binary data searching and comparison as analyzed and discussed above, but do not specifically disclose that the search is a "binary search."

Udagawa teaches binary searches (Fig. 4 and Col 6, lines 9-16) provide the user with a quick and reliable search, and is a well known method of locating desired data in a file, as noted in the Board of Patent Appeals and Interferences decision.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura et al in order to include a binary search method for locating a defined playing time information.

Neither Kawamura et al nor Udagawa specifically disclose the absence of a concordance list that correlates replay time with recording location.

Udagawa does teach the use of binary searches through unrecorded areas on a recording medium in order to find a boundary between the unrecorded area and the recorded area. Since there is no "recording location" in an unrecorded area, it is at least obvious that a concordance between a location with no recording and a replay time cannot exist, and that such a teaching would be obvious to one of ordinary skill in the art to include in Udagawa.

**Regarding claim 2**, Kawamura et al disclose that the search means for a binary searching is a comparator for comparing the information read from the recording medium with a binary word, and an evaluator for evaluating a recording medium replay time contained in a file associated with the binary word (Col 14, line 66 - Col 15, line 42).

**Regarding claims 4 and 5**, Kawamura et al disclose that the binary word is a designator recorded on the recording medium and is a navigation sector designator (Col 5, lines 49-67).

**Regarding claim 6**, Kawamura et al disclose that the desired replay time is a replay time which is intended for access, at a defined playing time, to the recording medium (Col 14, line 66 - Col 15, line 42).

**Regarding claim 7**, Kawamura et al disclose that the desired replay time is a replay time provided within a tolerance window, for access, at a defined playing time, to the recording medium (Col 14, line 66 - Col 15, line 15).

**Regarding claim 8**, Kawamura et al disclose that the comparator for comparing a replay time that has been found with a desired replay time drives the scanning device to a point on the recording medium which corresponds to the result of the comparison (Col 14, line 66 - Col 15, line 42).

**Regarding claims 9 and 10**, Kawamura et al discloses that for access at a defined playing time, the comparator drives the scanning device to a point on the recording medium which corresponds to the defined playing time; and the scanning device is controlled using an iterative approximation method to a point on the recording method to a point on the record medium which corresponds to the defined playing time (Col 14, line 66 - Col. 15 line 42).

4. Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claims above, and further in view of Carter et al (5,845,331).

**Regarding claim 3**, Kawamura et al disclose comparing information read from the recording medium with a binary word (Col 5, lines 49-67 and Col 14, line 66 - Col 15, line 42). However, Kawamura et al does not disclose that the comparator is a mask.

Carter et al teach a masked comparator (Fig. 14B).

Digital data is packetized into bytes, which consist of 8 bits. Mask comparators allow comparison of specific bits in a byte. It would have been highly desirable to have a

mask comparator so that the specific bits representing time information could be compared with the desired playback time indicated by the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a mask comparator in the device of Kawamura et al.

**Regarding claim 11**, Kawamura et al discloses that the binary word is a designator recorded on the recording medium (Col 5, lines 49-67).

**Regarding claim 12**, Kawamura et al discloses that the designator is a navigation sector designator (Col 5, lines 49-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. FLETCHER whose telephone number is (571)272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/  
Supervisory Patent Examiner, Art Unit 2623

JAF  
25 March 2008